

REMARKS

The May 5, 2006 Official Action and the references cited therein have been carefully reviewed. In view of the amendments submitted herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, it is noted that a shortened statutory response period of three (3) months was set forth in the May 5, 2006 Official Action. Therefore, the initial due date for response is August 5, 2006.

The Examiner has objected to claims 34 and 35. Specifically, the Examiner has objected to claim 35 because it is dependent on the kit of claim 33, but there is no kit recited in claim 33. Additionally, the Examiner has objected to claim 34 for allegedly containing a typographical error. As suggested by the Examiner, Applicants have amended claim 35 to depend from claim 34 which recites a kit. Applicants have also amended claim 34 to correct the typographical error. Accordingly, Applicants submit that the instant objections have been overcome.

The Examiner has rejected claims 34-36 under 35 U.S.C. §112, second paragraph for alleged indefiniteness.

Lastly, claims 28-36 have been rejected for allegedly failing to satisfy the enablement requirement of 35 U.S.C. §112, first paragraph on two grounds.

The foregoing objections and rejections constitute all of the grounds set forth in the May 5, 2006 Official Action for refusing the present application.

No new matter has been introduced into this application by reason of any of the amendments presented herewith.

In view of the present amendment and the reasons set forth in this response, Applicants respectfully submit that the objections to claims 34 and 35; the 35 U.S.C. §112, second paragraph rejection of claims 34-36; and the 35 U.S.C. §112, first paragraph rejections of claims 28-36, as set forth in

the May 5, 2006 Official Action, cannot be maintained. These grounds of objection and rejection are, therefore, respectfully traversed.

STATEMENT OF SUBSTANCE OF INTERVIEW

This Statement of Substance of Interview is being submitted in accordance with §713.04 of the Manual of Patent Examining Procedure in response to the Interview Summary provided with the May 5, 2006 Official Action to make of record a telephone interview held between Examiner Laura B. Goddard and Tong Li on or about April 28, 2006.

Examiner Goddard contacted Tong Li on or about April 28, 2006 to discuss a proposed Examiner's Amendment. No agreement was reached with regard to the proposed amendments and Examiner Goddard indicated a non-final Official Action would be mailed.

CLAIMS 34-36, AS AMENDED, SATISFY THE DEFINITENESS REQUIREMENTS OF 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner has rejected claims 34-36 under 35 U.S.C. §112, second paragraph for alleged indefiniteness. It is the Examiner's position that the phrase "and optionally PD2 protein for use a positive control" is indefinite. The Examiner suggests amending the claim to recite "and optionally said PD2 protein for use as a positive control." Applicants have employed the Examiner's suggestion, thereby overcoming the instant rejection.

CLAIMS 28-36, AS AMENDED, SATISFY THE ENABLMENT REQUIREMENTS OF 35 U.S.C. §112, SECOND PARAGRAPH

Claims 28-36 have been rejected for allegedly failing to satisfy the enablement requirement of 35 U.S.C. §112, first paragraph on the following two grounds.

First, it is the Examiner's position that while the specification is enabling for an antibody immunologically

specific for an isolated human PD2 protein **consisting** of SEQ ID NO: 2, the specification allegedly does not reasonably provide enablement for an antibody immunologically specific for an isolated human PD2 protein **having** the sequence of SEQ ID NO: 2. Applicants respectfully disagree with the Examiner's position. However, in the interest of expediting prosecution of the instant application, Applicants have amended the claims to recite that the isolated human PD2 protein **consists** of SEQ ID NO: 2.

Second, the Examiner has rejected claims 31-36 for allegedly not being fully enabled. Specifically, the Examiner contends that while the specification is enabling for a method of detecting human PD2 protein **having** the sequence of SEQ ID NO: 2 in a sample, the specification allegedly does not fully enable a method for detecting a fragment thereof. The Examiner indicates at page 9 of the Official Action, however, that the specification does enable methods for detecting a PD2 protein **consisting** of SEQ ID NO: 2 or fragments thereof. For the reasons set forth hereinabove, Applicants have amended the claims to recite that the isolated human PD2 protein **consists** of SEQ ID NO: 2, thereby overcoming the instant rejection.

In view of all of the foregoing, Applicants respectfully submit that the rejections of claim 28-36 under 35 U.S.C. §112, first paragraph cannot be reasonably maintained. Withdrawal of these rejections is respectfully requested.

CONCLUSION

In view of the amendments presented herewith and the foregoing remarks, it is respectfully urged that the objections and rejections set forth in the May 5, 2006 Official Action be withdrawn and that this application be passed to issue.

In the event the Examiner is not persuaded as to the allowability of any claim, and it appears that any outstanding

issues may be resolved through a telephone interview, the Examiner is requested to call the undersigned agent at the phone number given below.

Respectfully submitted,
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